

09-16-04

IFW AF-112 \$



750 BERING DRIVE
HOUSTON, TX 77057-2198
PHONE 713.787.1400
FAX 713.787.1440
A LIMITED LIABILITY PARTNERSHIP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
K. Gifford Goodhue, Jr., et al.

Group Art Unit: 1712

Examiner: Philip C. Tucker

Serial No.: 09/880,409

Atty. Docket No.: 11084.0015.CNUS02

Confirmation No.: 8567

Filed: June 13, 2001

For: COMPOSITION AND METHOD FOR A
DUAL-FUNCTION SOIL-GROUTING
EXCAVATING OR BORING FLUID

TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL MAILING LABEL

(Paste Express Mail Label Here)

NUMBER *EV 318621431US*

DATE OF DEPOSIT *September 15, 2004*

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia C. Linn
Signature

I, Stephen H. Cagle, represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below and that a certification under 37 CFR 3.37(b) ☐ is being filed herewith ☐ was filed on .
- ☒ an authorized registered practitioner of record for this invention and that I do not have nor does my employer, Howrey Simon Arnold & White, LLP, have any ownership interest in this application.

09/17/2004 WABDELRI 00000064 012508 09880409

01 FC:1814 110.00 DA



Serial No.: 09/880,409
Confirmation No.: 8567
Applicant: K. Gifford Goodhue, Jr., et al.
Atty. Ref.: 11084.0015.CNUS02

The assignee of record for the above-identified application is KB International, LLC.

The assignment

- ☒ was recorded on February 25, 2004 at Reel 015008, Frame 0130.
☐ was filed on _____ and according to our records has yet to be recorded.
☐ is filed herewith to be recorded in the Patent and Trademark Office.

☐ Attached is a Certificate under 37 CFR 3.73 filed on _____ establishing the right of the above named assignee to take action in this case.

The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,248,697 which forms the basis of the double patenting rejection in the present application, is hereby disclaimed, except as provided below. It is agreed that any patent granted on the instant application shall be enforceable only for, and during, such period that the legal title to said patent is the same as the legal title to U.S. Patent No. 6,248,697. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration of the full statutory term as defined in 35 U.S.C. §§ 154 - 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,248,697 which forms the basis of the double patenting rejection, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.



Serial No.: 09/880,409

Confirmation No.: 8567

Applicant: K. Gifford Goodhue, Jr., et al.

Atty. Ref.: 11084.0015.CNUS02

Fees and Payment

The fee due under 37 CFR 1.20(d) is \$ 110.00.

- ☐ A check in the amount of \$_____ is enclosed
- ☒ The undersigned authorizes the Director to charge the amount of \$110.00 for the above fees to Deposit Account No. 01-2508, Order No. 11084.0015.CNUS02.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11084.0015.CNUS02.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

Stephen H. Cagle

Reg. No. 26,445

Tel. 713-787-1448

Date: Sept. 15, 2004